

### **REMARKS**

Claims 22-30 are pending in the above-identified application. Support for the substantive changes to claim 22 is found at pages 25-32 of the present specification. Support for the substantive changes to claim 29 is found at pages 35-36 of the present specification. The other changes made to claims 23-29 and 30 were primarily formal in nature. In addition, the specification has been modified to address some minor grammatical issues.

#### **Removal of Drawings Objection Issue under 35 USC 112**

The drawings of the present application were objected to for failing to show a “dilution solution inlet” recited in original claim 12. Claim 12 was also rejected under 35 USC 112, second paragraph, as allegedly being indefinite because of the apparently misplaced term “solution” recited therein. Claim 12 has been cancelled so as to remove the basis for this objection and this rejection.

#### **Rejection under 35 USC 102(b) and 103(a)**

Claims 12, 14 and 19-20, have been rejected under 35 USC 102(b) as being anticipated by DiLeo '430 (US 4,728,430).

**Claims 22-26, and 28-29 have been rejected under 35 USC 102(b) as being anticipated by Kim '666 (US 7,441,666).**

Claims 1-3 and 6-9 have been rejected under 35 USC 102(b) as being anticipated by or in the alternative, as obvious over Kim '666.

Claims 4-5 have been rejected under 35 USC 103(a) as being unpatentable over Kim '666.

Claim 11 has been rejected under 35 USC 103(a) as being unpatentable over Reis '051 (US 6,054,051).

Claims 15-18 have been rejected under 35 USC 103(a) as being unpatentable over DiLeo '430.

**Claim 30 has been rejected under 35 USC 103(a) as being unpatentable over Kim '666 (US 7,441,666).**

Claim 10 has been rejected under 35 USC 103(a) as being unpatentable over Kim '666 and further in view of Ohno '138 (US 4,347,138).

Claims 13 and 21 have been rejected under 35 USC 103(a) as being unpatentable over DiLeo '430 and further in view of Kawai '594 (US 4,350,594).

**Claim 27 has been rejected under 35 USC 103(a) as being unpatentable over Kim '666 as applied to claims 1-10, 22-26, and 28-30 above, and further in view of Comper '236 (US 2002/0022236).**

The bases for all of the above-noted rejections, except those in bold font, have been removed with the cancellation of claims 1-21. The remaining rejections are addressed below.

#### Distinctions over Cited References

Kim '666 discloses a process for producing a porous film, wherein the film is used to separate a solute and/or dispersoid from a multiple component solution. It is asserted in the Office Action of February 24, 2009 that all of the treatments steps (1)-(3) recited in previous claim 22 are essentially disclosed in the example described at column 23, lines 25-55 of Kim '666. A review of this portion of Kim '666 indicates that albumin is removed by employing fractionation with a molecular sieve which may be considered to correspond to treatment step (2) recited in the present claims.

Kim '666 fails to disclose or suggest either treatment step (1) or treatment step (3) of the method of the present invention. Treatment step (1) requires that proteins be adsorbed on to a selectively hydrophobic substrate. Treatment (3) requires that a sample solution be passed through a porous separation membrane, and that the portion of the solution that does not pass through be retained. Thus, significant patentable distinctions exist between the present invention and Kim '666, such that above-noted rejections based on this reference should be withdrawn.

Comper '236 discloses a method for kidney disease detection which may employ the use a blue dye in order to detect albumin during filtration as noted at paragraph [0085]. Comper '236 fails to make up for the deficiencies noted above with regard to Kim '666, such that the above-noted distinctions also apply. Therefore, significant patentable distinctions exist between the

present invention and Comper '236, such that the above rejections based on the reference should be withdrawn.

It is submitted for the reasons above that the present claims define patentable subject matter such that this application should now be placed in condition for allowance.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: May 26, 2009

(Tuesday after federal holiday)

Respectfully submitted,

By 

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